

Remarks

Claims 1-48 are pending in this application. Claims 1, 15, 29, and 43 are amended. Claims 45-48 are new. No claims are canceled and no new matter is entered. In view of the following Remarks, allowance of all the pending claims is requested.

Rejection Under 35 U.S.C. § 103

The Examiner has rejected claims 1-44 under 35 U.S.C. 103(a) as allegedly being unpatentable by U.S. Patent No. 5,664,110 to Green et al. (hereinafter referred to as "Green") in view of U.S. Patent No. 5,826,245 to Sandberg-Diment. Applicants traverse this rejection.

One aspect of the invention relates to allowing devices with minimal processing capabilities (e.g., mobile device) to place electronic orders by using less than all of the information necessary for the merchant to fulfill the order. Independent claim 1 recites, among other things, the claim feature of "receiving, at an intermediary...first order data for an order and *device identification data from the mobile device*...retrieving, by the intermediary, based upon...*the device identification data*, at least one data item." Claims 15, 29 and 43 recite similar features.

Green does not disclose receiving first order data and *device identification data from a mobile device*. Green does not even mention a mobile device, much less a device identification data from a mobile device. The Examiner cites to col. 2 lines 50-63 and col. 5 lines 49-63 of Green for the rejection of these claim features. None of the cited sections (or other sections) of Green disclose the claim features. Rather, Green disclose a display/processing unit (DPU) that transmits the information necessary (e.g., merchant name and location, user name, address, account number, payment arrangements, delivery options, consumer profile) for a merchant to process an order. But Green does not mention device identification data of a mobile device.

The Examiner admits that Green does not teach the order data having less than a minimum set of data required by the one merchant to completely process the order.

The Examiner attempts to combine Green with Sandberg-Diment to make up for these deficiencies. However, the combination of Green and Sandberg-Diment (even if proper) still does not suggest at least the claim feature of "receiving...device identification data from the mobile device" as recited above. The cited portions of Sandberg-Diment relate to a credit card verification technique, but do not disclose a device identification or even a mobile device. Thus, the combination of Green and Sandberg-Diment does not teach and/or suggest features of at least claims 1, 15, 29 and 43. As such, claims 1, 15, 29, and 43 are patentable over Green and Sandberg-Diment.

New claims 45-48 recite at least the claim feature of the mobile device receiving product and service information according to the type of mobile device and the communications protocol used by the mobile device as determined by the device identification data. Applicant's Specification provides support for the new claims at least at pg. 23, line 1- pg. 24, line 6, among others. Neither Green or Sandberg-Diment disclose these features.

Dependent claims 2-14, 16-28, 30-42 and 44-48 depend from and add features to one of claims 1, 15, 29, and 43. For at least the reasons set forth above and additional features they provide claims 2-14, 16-28, 30-42 and 44-48 are allowable over Green and Sandberg.

Conclusion

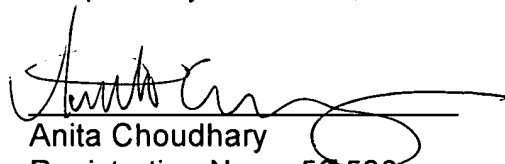
Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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